

STATE OF IOWA
DEPARTMENT OF COMMERCE
UTILITIES BOARD

IN RE: AQUILA, INC, d/b/a AQUILA NETWORKS	DOCKET NO. WRU-03-9-225 (199 IAC 35.12(2))
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ORDER GRANTING WAIVER

(Issued March 18, 2003)

On February 18, 2003, Aquila, Inc., d/b/a Aquila Networks (Aquila), filed with the Utilities Board (Board) an application for a limited waiver of the March 1, 2003, compliance filing deadline in 199 IAC 35.12(2). Aquila asks that the Board grant it until September 1, 2003, to file the energy efficiency cost recovery factors to be used in establishing Aquila's energy efficiency costs proposed to be recovered in rates for the subsequent 12-month period.

The Board's rules identify four factors the Board must consider when reviewing a waiver request. 199 IAC 1.3. In support of its request, Aquila addresses each of the four factors. Aquila asserts that filing the information by March 1, 2003, would require Aquila to make a "short year" filing, which Aquila asserts is unduly burdensome based upon the effort and expense of preparing the filing and the limited effect of the filing. Aquila states there would be minimal impact on customers if the existing energy efficiency factors are allowed to remain in effect until September 1, 2003.

Aquila argues further that the waiver will not prejudice the substantial legal rights of any person. The purpose of the rule is to put current accurate energy efficiency cost recovery in rates for the subsequent 12-month recovery period. Aquila

states that a waiver until September 1, 2003, would not be inconsistent with this purpose and the delay does not affect the substantial legal rights of any person.

Subrule 199 IAC 35.12(2) is designed to implement Iowa Code §§ 476.1, 476.6, and 476.10A (2003). Aquila states that the Board has broad discretion on the implementation of these statutes and the waiver does not violate any specific statutory provision. Finally, Aquila states that substantially equal protection of public health, safety, and welfare will be afforded by means other than that prescribed in the subrule.

The Board has considered the waiver request and the four factors required by 199 IAC 1.3. Based upon that review, the Board finds that the four factors have been met for granting Aquila a waiver of the March 1, 2003, filing deadline. The Board will allow Aquila until September 1, 2003, to make the filing required by 199 IAC 35.12.

IT IS THEREFORE ORDERED:

The application for limited waiver filed by Aquila, Inc., d/b/a Aquila Networks, on February 18, 2003, is granted. Aquila's deadline for filing the energy efficiency cost information required by 199 IAC 35.12(2) will be September 1, 2003.

UTILITIES BOARD

/s/ Diane Munns

/s/ Mark O. Lambert

ATTEST:

/s/ Sharon Mayer
Executive Secretary, Assistant to

/s/ Elliott Smith

Dated at Des Moines, Iowa, this 18th day of March, 2003.